

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

ALLEN HIRATSUKA,

Plaintiff,

v.

EARL HOUSER,

Defendant.

Case No. 3:21-cv-00018-SLG-MMS

**ORDER RE FINAL REPORT AND RECOMMENDATION**

Before the Court at Docket 1 is Petitioner Allen Hiratsuka's *Motion for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241*. The motion was referred to the Honorable Magistrate Judge Matthew M. Scoble. Judge Scoble ordered Mr. Hiratsuka to file an amended petition or to file a notice that none would be filed.<sup>1</sup> Mr. Hiratsuka did not file an amended petition and did not file a notice. Judge Scoble ordered the State of Alaska ("State") to respond to Mr. Hiratsuka's petition and the State filed a response at Docket 34. Mr. Hiratsuka filed a reply to the State's response at Docket 37. An evidentiary hearing on the motion was held before Judge Scoble on August 25, 2021.<sup>2</sup> At Docket 58, Judge Scoble issued his Report and Recommendation, in which he recommended that the motion be denied without prejudice. 28 U.S.C. § 636(b)(1)(B). No objections to the Report and Recommendation were filed.

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<sup>1</sup> Docket 11.

<sup>2</sup> Docket 44.

The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1). That statute provides that a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.”<sup>3</sup> A court is to “make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.”<sup>4</sup> But as to those topics on which no objections are filed, “[n]either the Constitution nor [28U.S.C. § 636(b)(1)] requires a district judge to review, de novo, findings and recommendations that the parties themselves accept as correct.”<sup>5</sup>

The magistrate judge recommended that the Court deny the *Motion for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241*. The Court has reviewed the Report and Recommendation and agrees with its analysis. Accordingly, the Court adopts the Report and Recommendation, and IT IS ORDERED that the *Motion for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241* is DENIED without prejudice. 28 U.S.C. § 636(b)(1)(B).

DATED this 4th day of February, 2022, at Anchorage, Alaska.

/s/ Sharon L. Gleason  
UNITED STATES DISTRICT JUDGE

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<sup>3</sup> 28 U.S.C. § 636(b)(1).

<sup>4</sup> *Id.*

<sup>5</sup> *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); see also *Thomas v. Arn*, 474 U.S. 140, 150 (1985) (“It does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.”).